

HEARING DATE: October 27, 2016

ITEM NO.: 1

TIME: 10:00 am

TO: Placer County Planning Commission

FROM: Development Review Committee

DATE: October 4, 2016

SUBJECT: OESTERREICHER – FULTON ACRES UNIT NO. 3 SUBDIVISION
SUBDIVISION MAP MODIFICATION (PLN16-00215)
CATEGORICAL EXEMPTION
SUPERVISORIAL DISTRICT 5 (MONTGOMERY)

Continued from August 11, 2016 Planning Commission Hearing

GENERAL PLAN: North Tahoe Area

ZONING: PAS 014 (Plan Area Statement 014 – Cedar Flat-Residential)

ASSESSOR PARCEL NUMBERS: 092-031-024-000

STAFF PLANNER: Allen Breuch, Supervising Planner

LOCATION: The subject property is located at 790 Carnelian Circle in the Cedar Flat area.

APPLICANT: David Hopp, from David Design and Development, Inc. on behalf of Andrew Oesterreicher

PROPOSAL: The applicant requests approval of a Subdivision Map Modification to Lot 202 in Fulton Acres Unit No. 3 Subdivision. The request is to demolish an existing garage situated at the top of the hill and construct a new second story covered deck, 7-foot 6-inches to the front property line and a two car garage with covered entryway, 10-foot to the front property line where there is a mapped front setback requirement of 20-feet.

CEQA COMPLIANCE:

The project is Categorically Exempt from environmental review pursuant to provisions of Section 15305 of the California Environmental Quality Act and Section 18.36.070 A(1) of the Placer County Environmental Review Ordinance (Class 5, Minor alterations in land use limitations). The Planning Commission will be required to make a finding to this effect and a recommended finding for this purpose is included at the end of this report.

PUBLIC NOTICES AND REFERRAL FOR COMMENTS:

Public notices were mailed to property owners of record within 300 feet of the project site. A public hearing notice was also published in the *Sierra Sun* newspaper. Other appropriate public interest groups and citizens were sent copies of the public hearing notice, including the North

Tahoe Regional Advisory Council. Copies of the project plans and application were transmitted to the Community Development Resource Agency Staff and the Departments of Public Works and Environmental Health Services, the Air Pollution Control District and Special Districts for their review and comment.

PROJECT DESCRIPTION:

The property owner proposes to replace the existing non-conforming (3-foot side setback where 5-foot is required) detached garage with a new detached two car garage with covered entryway and deck. The project proposes a modification to the Fulton Acres Unit No. 3 Subdivision, Lot 202 Final Map to allow for a reduced front setback of 7-foot 6-inches to covered deck (10-foot to garage) as measured from the front property line, where a 20-foot setback is required as noted on the subdivision map. This request is in order to permit the construction of a covered deck and entryway with garage; all are accessory to the existing single-family residence. Approximately 325 square feet of covered deck and 260 square feet of garage is proposed within the required mapped front setback. No living space or conditioned space is proposed within the 20-foot front setback.

SITE CHARACTERISTICS:

The Oesterreicher property is approximately 10,500 square feet (0.24 acre) in area and is located on the north side of Carnelian Circle approximately 750 feet west of the intersection of Nightingale Road (Lake View Drive) in the Cedar Flat area (Attachment B). The Fulton Acres Unit No. 3 Subdivision where the subject lot (Lot 202) is located was prepared in June of 1957.

The subject property contains a steep downward slope (18 percent) that starts at the northwest side of the property and slopes down towards the south eastern side of the property towards Carnelian Circle (front property line). The property contains a two-story, single-family residence and is surrounded by similar sized lots with single-family residences. Directly to the north is a 171 acre undeveloped conservation parcel. Existing parking is provided by a paved driveway that leads to a two car garage. There are several pine and fir trees throughout the property.

EXISTING LAND USE AND ZONING:

Location	North Tahoe Area General Plan	Existing Conditions and Improvements
Site	PAS 014 Plan Area Statement 014 Cedar Flat -Residential	Single-family residence
North	PAS 013 Plan Area Statement 013 Watson Creek Conservation	Undeveloped
South	Same as project site	Single-family residential subdivision - Fulton Acres Unit No. 3
East	Same as Project Site	Single-family residential subdivision - Fulton Acres Unit No. 3
West	Same as project site	Single-family residential subdivision - Fulton Acres Unit No. 3

DISCUSSION OF ISSUES:

General Plan and Zoning Consistency

The project site is zoned Residential with a density factor of one dwelling unit per lot in the April 1994 North Tahoe Area General Plan, which allows single-family residences and accessory structures such as garages, decks and entryways. Since the area plan land use designation and zoning for the project site provides for a variety of single-family development, the proposed detached garage for the existing single-family residence is consistent with the adopted area plan and zoning. Specifically, the two car garage is designed and developed to provide the type and number of off-street parking spaces required by zoning for the area plan.

Map Modification – Covered Deck, Garage, Entryway Analysis

This project was continued from the August 11, 2016 Planning Commission Hearing by the applicant to clarify the TRPA allowed depth of cut to the proposed Map Modification request. The owner, Oesterreicher, proposes to demolish the existing detached garage within the five-foot side setback and replace it with a detached garage with second story office space, covered deck and entryway that is designed to taper up the steep slope. The garage has been designed to allow the covered second story deck to be located 7-foot 6-inches from the property line and the entryway with garage entrance to be located 10' from property line and 24' from edge of pavement. The proposed second story office area (conditioned space) is proposed outside of the 20' mapped setback and is not a part of the proposed Subdivision modification. The applicant is proposing a 10-foot cut into the slope to remove the existing steep grade and provide a moderate driveway grade. The applicant has submitted testimony from neighboring property owners that the existing driveway is dangerous when icy and has had a history of parked vehicles sliding down the slope and hitting other parked vehicles across the street. The proposed project would remove the steep driveway and relocate the garage with a safer driveway slope and covered parking.

The applicants have explored other alternatives to try and locate a garage outside of the required setback. However, due to the steep terrain, the existing road alignment, and the need for a safe covered parking area with protected entryway from heavy winter snow, there was no alternative location available to the garage outside the mapped front setback. Staff looked at other properties located along Carnelian Circle and found that there have been previous approvals for garages within the 20 foot mapped setback which include 735, 765, and 940 Carnelian Circle, 750 and 780 Fulton Crescent. As such, the granting of a covered second story deck located 7'-6" from the property line and garage entrance located 10' from property line for the subject property would not be considered a granting of special privileges. The project also complies with the Lake Tahoe Region of Placer County Standards and Guidelines for Signage and Parking and Design as the property accommodates two on-site parking spaces.

RECOMMENDATION:

Staff recommends the Planning Commission approve the Subdivision Modification (PLN16-00215) to allow for a 7-foot 6-inch covered deck setback measured from the property line and a 10-foot entryway with garage entrance measured from property line based on the following findings and subject to the attached recommended conditions of approval.

FINDINGS:

CEQA

The Planning Commission finds that this project is Categorical Exempt from review under CEQA pursuant to Section 15305 of the California Environmental Quality Act and Section 18.36.070 A(1) of the Placer County Environmental Review Ordinance (Class 5, Minor alterations in land use

limitations). Specifically, in that the garage construction and location is limited to the existing single-family dwelling which is permitted in the adopted residential zoning and area plan.

Subdivision Modification

1. The proposed Subdivision Modification does not significantly alter the design of the subdivision and will not affect the consistency of the Fulton Acres Subdivision, Unit No. 3 Final Map or the North Tahoe Area General Plan, in that parcels within close proximity of the subject parcel have been granted reduced setbacks for the construction of entryways and garages to residences.
2. Pursuant to Section 66472.1, (Amending of Final Maps) of the Subdivision Map Act, Placer County finds that there are changes in circumstances that make the front setback as applied by the conditions of the map no longer appropriate or necessary. The change in circumstances, in this case, are based on the existing location of the improvements together with the parcel's sloping topography, the setback requirement on the subdivision map and existing on-site conditions, which limit expansion to the existing single-family residence. The modifications do not impose any additional burden on the fee owners of the real property, and the modifications do not alter any right, title, or interest in the real property reflected on the recorded map, and Placer County finds that the map as modified conforms to Section 66474 of the Subdivision Map Act.
3. The project, with the recommended conditions, is compatible with the single-family residential neighborhood.
4. The project is physically suitable for the type of existing development within the Cedar Flat Residential 014 Plan Area Statement.
5. The granting of this Subdivision Modification will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zoning district in which the property is located in that other Map Modifications have been approved on parcels within close proximity to the subject parcel.

Respectfully submitted,



Allen Breuch
Supervising Planner

ATTACHMENTS:

Attachment A – Recommended Conditions of Approval
Attachment B – Vicinity Map
Attachment C – Site Plan
Attachment D - Garage Elevations

cc:

Paul Thompson –Interim Agency Director
E.J. Ivaldi – Deputy Planning Director
Ed Staniforth - Engineering and Surveying Division
Justin Hansen - Environmental Health Services
Andy Fisher - Parks Department
Karin Schwab - County Counsel's Office
Applicant – David Hopp, on behalf the property owner Andrew Oesterreicher
Subject/chrono files



**RECOMMENDED CONDITIONS OF APPROVAL – FINAL MAP
MODIFICATION "OESTEREICHER – FULTON ACRES UNIT NO
3 " (PLN16-00215)**

***THE FOLLOWING CONDITIONS SHALL BE SATISFIED BY THE
APPLICANT, OR AN AUTHORIZED AGENT. THE SATISFACTORY COMPLETION OF
THESE REQUIREMENTS SHALL BE DETERMINED BY THE DEVELOPMENT
REVIEW COMMITTEE (DRC), COUNTY SURVEYOR, AND/OR THE PLANNING
COMMISSION.***

1. The Subdivision Modification (PLN16-00215) is approved for a covered deck (7.6-foot) and a two car garage with covered entryway (10-foot) from property line where 20-foot front setback is required at 790 Carnelian Circle (APN0092-031-024-000) as described within this staff report dated October 4, 2016 and as shown on the site plan, elevations, and floor plans
2. Prior to Building Permit issuance, the applicant shall prepare and submit to the Planning Department an exhibit map for a Notice of Map Modification to modify the building setback line for lot 202, as shown on Fulton Acres Unit No. 3 Subdivision (Book F, Page 32), and to conform with the approval of this application.
3. Prior to commencement of any work on site, the applicant shall obtain a building permit(s) for the construction of the addition to the existing residence. Complete building plans and engineering in accordance with the County Building Code will be required for the structure.
4. The applicant shall comply with any conditions imposed by California Department of Forestry or the serving fire district.
5. The project shall comply with any conditions imposed by the Tahoe Regional Planning Agency and evidence of their approval shall be provided to the Placer County Planning Department prior to building permit issuance.
6. The applicant shall, upon written request of the County, defend, indemnify, and hold harmless the County of Placer, the County Board of Supervisors, and its officers, agents, and employees, from any and all actions, lawsuits, claims, damages, or costs, including attorney's fees awarded by a certain development project known as the Oesterreicher Map Modification (PLN16-00215). The applicant shall, upon written request of the County, pay or, at the County's option, reimburse the County for all costs for preparation of an administrative record required for any such action, including the costs of transcription, County staff time, and duplication. The County shall retain the right to elect to appear in and defend any such action on its own behalf regardless of any tender under this provision. This indemnification obligation is intended to include, but not be limited to, actions brought by third parties to invalidate any determination made by the County under the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) for the Project or any decisions made by the County relating to the approval of the Project. Upon request of the

OCTOBER, 2016 PC

PAGE 1 OF 2

O:\PLUS\PLN\PROJECT FILE\2016\16-00215 OESTERREICHER-FULTON ACRES 3 10-27-16 COND COMPILED

ATTACHMENT A

County, the applicant shall execute an agreement in a form approved by County Counsel incorporating the provision of this condition.

7. Prior to Building Permit issuance, dedicate to Placer County a 20' wide snow storage easement along the property frontage along Carnelian Circle. The County Surveyor will prepare the legal description of the Snow Storage Easement, and the document can be obtained by contacting the ESD. The easement document shall be signed and notarized by the applicant, and returned to the County prior to Building Permit issuance.

8. Prior to Building Permit issuance, the applicant shall obtain from the Department of Public Works and Facilities (DPWF) an encroachment permit for locating the proposed structure within the 20 foot snow storage easement. Said permit shall be in recordable form and hold Placer County harmless from any damage resulting to the structure.

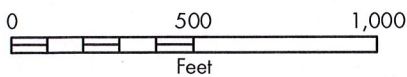
9. No living space is allowed within the front setback. Any windows of the proposed structure(s) within the front setback and facing Carnelian Circle shall be tempered and/or wired safety glass or equivalent.

10. Prior to Building Permit issuance, obtain an Encroachment Permit from DPWF to reconstruct the driveway, which will connect to a County maintained road (Carnelian Circle), to a Placer County Plate 117, LDM standard for a residential unit. The maximum width of the residential driveway at the roadway connection, excluding return radii, shall be 24'.

EXERCISE OF PERMIT

11. The applicant shall have 24 months to exercise this Map Modification. Unless exercised, this approval shall expire on October 27, 2018.

APN 092-031-024-000 Vicinity Map



LEGEND

APN 092-031-024-000

Highway

Roads

DATA DISCLAIMER:

The features on this map were prepared for geographic purposes only and are not intended to illustrate legal boundaries or supercede local ordinances. Official information concerning the features depicted on this map should be obtained from recorded documents and local governing agencies





WWW.AQSTRUCTURES.COM
PO BOX 470
CARNELIAN BAY, CA 96140

REVISIONS

STAMP

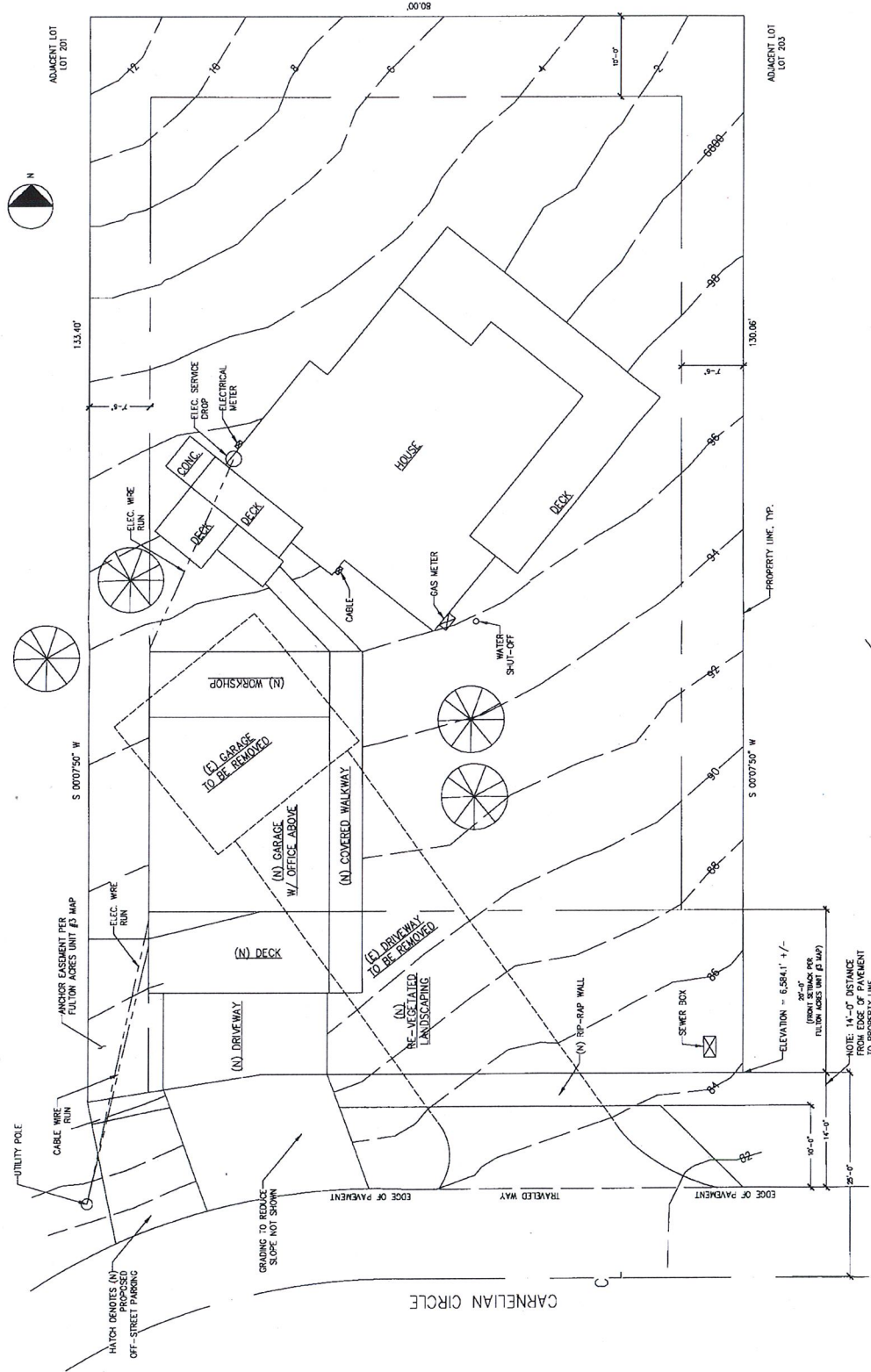
DATE 8/10/2016

PROJECT:
OESTERREICHER RESIDENCE
790 CARNELIAN CIRCLE
CARNELIAN BAY, CA 96140
LOT 202, FULTON ACRES UNIT 3

SHEET TITLE

(N) SITE
PLAN

SHEET NUMBER:
A2



2 PROPOSED (N) SITE PLAN
SCALE: 3/16" = 1'-0"

